

~~SECRET//COMINT//X~~

(U) Cryptologic Almanac 50th Anniversary Series

(U) The Time of Investigations, Part 1 of 2

(U) The word "oversight" has two contradictory meanings; it can mean "omission," or it can mean "scrutiny." In the history of Congress's relations with NSA, both definitions have applied. During the 1970s, congressional oversight moved from the first definition to the second.

~~(U//FOUO)~~ Congressional oversight of NSA was slight until the 1970s. NSA's budget was looked over by four committees: the Armed Services and Appropriations committees in each house of Congress. In reality, for years these committees were dominated by conservatives of both parties who -- for the most part -- preferred not to get involved in intelligence matters. The budget review usually was not too stringent. These committees and occasional others also scrutinized NSA when sensational events involving the cryptologic organizations required actions -- the Martin and Mitchell defection in 1960, the Liberty incident of 1967, and the Pueblo incident of 1968, for example.

(U) It is sometimes charged that the National Security Agency was once considered secret and did not appear on government "org charts." This is untrue, although NSA strove to keep a low public profile. Some of NSA's policies, including discouraging its workforce from directly confirming their employer unless absolutely necessary, led to jokes that the acronym stood for "No Such Agency" or "Never Say Anything."

(U) In actuality, NSA appeared on organization charts, and even had bland, rather fuzzy descriptions of itself for public consumption. The media occasionally had written about the Agency, usually when something happened that could not be kept under wraps -- espionage cases, for example, or the LIBERTY and PUEBLO incidents.

(U) It is true to say that in the early 1970s, NSA was unused to close scrutiny from either Congress or the press.

(U) That was about to change.

(U) The 1960s and 1970s were a time of turmoil in the United States, a time of disillusionment.

(U) The troubled times began with the assassination of President John F. Kennedy in November 1963. The killing of a president was traumatic enough for the nation, but in the

wake of the tragedy came suspicions of conspiracy behind his murder and widespread distrust in the results of the government's investigation of it.

(U) The escalating U.S. intervention in the war in Vietnam from 1965 increased the turmoil. Large segments of the public and some in leadership positions questioned the legitimacy of America's participation in the war; even many who supported the war effort had questions about the conduct of combat operations. This controversy was exacerbated as media around the world pointed out discrepancies between official U.S. government statements about the war and the reality on the ground in Southeast Asia. The years of the Vietnam War were marked by seemingly daily demonstrations on American universities and frequent organized mass protests outside government buildings.

(U) Confidence in American institutions was further shaken by the Watergate scandal. During the election campaign of 1972, a team of burglars was caught breaking into the headquarters of the Democratic Party in the Watergate Building in Washington, D.C. Several of the burglars were former employees of the Central Intelligence Agency and the team leader had current White House ties. Subsequently, congressional committees began investigating the Nixon administration's connection to the incident, including credible charges that the president himself had participated in a cover-up. President Richard Nixon resigned in the midst of the scandal investigation.

(U) Relations between the White House and Capitol Hill underwent subtle changes as well. A healthy tension based on differing perspectives had existed between the two branches of government probably as long as they had existed. Generally, over the years, however, Congress had taken data provided by the Executive Branch at face value, although often differing about how to interpret it. By the late 1960s and early 1970s, however, many congressmen began to feel that recent presidents had withheld crucial information or even altered it before sending it to the Hill. Congress began questioning Executive representatives more closely and developing their own sources of data.

(U) The national turmoil provided ample opportunity for the media to excel, and media reporting fueled public anger at the scandals. Both print and broadcast media began putting more resources into investigative reporting about government organizations and actions, and revelations produced by this reporting appeared almost daily.

(U) In this volatile situation, in the early 1970s some newspapers and broadcasters began charging that members of the U.S. intelligence community had engaged in illegal acts, including spying on Americans and assassination of foreign leaders. The Senate investigation was triggered by an article in the New York Times charged that, under the Nixon administration, the CIA had conducted massive and illegal operations against the antiwar movement and other dissident groups.

(U) The new Ford administration as well as Congress launched investigations of the charges. What the investigations found led to profound changes in the conduct of American intelligence activities.

(U) Although the initial target was the CIA, other components of the community, including NSA, were thoroughly scrutinized in the course of the investigations.

ROCKEFELLER COMMISSION

(U) In an unsuccessful attempt to retain control of the investigation of the intelligence community and any corrective actions, President Gerald Ford established a high-level commission to investigate alleged CIA activities within the United States; the commission was led by Vice President Nelson Rockefeller. The vice president, in addition to being from one of America's wealthiest families, had been involved in both federal and state governments since the Second World War, and he knew how to get things done in Washington.

(U) The Rockefeller Commission dealt but little with NSA, and, in any event, its deliberations and recommendations were soon overtaken by the more extensive and better publicized congressional investigations.

CHURCH COMMITTEE

(U) After these serious allegations, the Senate established the Select Committee on Intelligence on January 27, 1974, with Frank Church (D, ID) as its chairman. Among Democratic members were Gary Hart of Colorado and Walter Mondale of Minnesota (later vice president); Republican members included Howard Baker of Tennessee, former presidential candidate Barry Goldwater of Arizona, and John Tower of Texas.

~~(S//SI)~~ Initially, the committee had intended to investigate only CIA activities, but in the course of a document search, staffers found references to the SHAMROCK operation, in which cable (i.e., telegraph) companies provided copies of outgoing international messages to NSA (see below for details). This led the committee to broaden its look at the community to include NSA.

~~(U//FOUO)~~ Senator Church visited NSA on May 25, and committee staff members began working with the Agency to collect data. There was unease on both sides: Senate staffers were suspicious of the large and largely unknown agency; NSA officials, used to thinking of SIGINT as an exclusive possession of the Executive Branch, were reluctant to share documents fully with a congressional committee. The DIRNSA, General Lew Allen, USAF, intervened on the side of cooperation by his employees, and the situation improved on both sides.

~~(U//FOUO)~~ By the time the investigation phase ended in October 1975, both sides had learned to work together, if not comfortably, at least in honest cooperation.

~~(U//FOUO)~~ As they probed, investigators also learned about Operation MINARET, in which NSA maintained watch lists of individuals and which possibly violated the rights of U.S. citizens (see below for details). General Allen was invited to testify in open committee hearings about it. Although the DIRNSA said he was willing to testify in closed but not open sessions, and despite a telephone call from President Ford to Frank Church, the committee insisted on open testimony. Senator Church argued that airing of abuses on the record was necessary because legislation would be needed to prevent recurrences.

~~(S//ST)~~ General Allen's appearance in open hearings turned out to be a great success. The committee complimented him on his cooperation, and he even got favorable press notices. Beforehand, Allen had explained to the committee that some public reporting of information from SIGINT had resulted in the loss of important sources. The committee and Allen therefore strove prior to the public session to ensure that the director would say all that needed airing, but at the same time ensure that his testimony would not go into risky areas.

~~(U//FOUO)~~ NSA cooperation with the Church Committee paid off. When the committee issued its final report in February 1976, NSA was discussed directly in just seven pages out of seven volumes of hearings. The final report noted the potential for abuse in NSA's capabilities, and recommended legislation to provide safeguards.

SHAMROCK

(U) Under censorship laws during both world wars, cable companies had been required to furnish the U.S. government with copies of all telegrams they sent out, even by private individuals. The practice had been continued until the late 1920s when legislation, the Radio Act of 1927, seemed to make this practice illegal. The practice resumed at the beginning of World War II.

(U) The intelligence community sought to continue this access to international cable traffic after the end of the war. A succession of attorneys general and secretaries of defense assured the cable companies that they would not be prosecuted for undertaking this patriotic duty.

(U) NSA called the acquisition of "drop copies" of cables Project SHAMROCK. This project continued until the early 1970s, when Director Lew Allen decided the practice, although probably legal, did not pass the "smell test" and terminated it.

MINARET

(U) Project MINARET (a name adopted in 1969, although it existed prior to that date) involved monitoring the communications of individuals by use of "Watch Lists," i.e., rosters of names of people of interest. The practice began in the aftermath of the Kennedy assassination when the Secret Service gave NSA a list of names of people who might be a threat to the president. The list was expanded by other agencies over the next few years with names of suspected narcotics traffickers.

(U) This aspect of the Watch List program was of doubtful legality, but the project crossed the line by targeting the communications of domestic dissidents. As anti-Vietnam and civil rights protests had begun to turn violent, the Johnson administration sought to find out whether American protesters were receiving foreign support. First the Army Security Agency was tasked, then NSA, and a number of prominent domestic figures were added to Watch Lists.

~~(U//FOUO)~~ General Lew Allen was informed about the program by his legal counsel when he took over as DIRNSA. Allen believed the practice was a violation of constitutional guarantees of rights, and, after discussions with the attorney general, closed down the program in 1973.

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The Time of Investigations - Part 2 | Sept - Oct 02 Articles | Almanac 50th Anniversary Series

Content Owner: Feedback

Web POC: Feedback

Last Modified: by tlh
Last Reviewed: January 23, 2004
Next Review: 365 days

SECRET-CONTINUED

DERIVED FROM: NSA/CSS MANUAL 123-2
DATED: 24 FEB 1998
DECLASSIFY ON: X1